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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/050,949 | 01/22/2002 | Akimasa Ohta | Q68182 | 1988 |

23373 7590 09/07/2004

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| EXAMINER |
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FISCHETTI, JOSEPH A

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| ART UNIT | PAPER NUMBER |
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3627

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,949

Applicant(s)

OHTA ET AL.

Examiner

Joseph A. Fischetti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 5-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claims 5-7 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over JUPAPub 2000-99567, JUPA Pub H11-201617, JUPA Pub H6-259442 in view of US RE38,147 E.

JUPAPub 2000-99567, JUPA Pub H11-201617 disclose the provision of a storage device in a retail store. Furthermore the processes such as trans action settlements are well known, JUPA Pub H6-259442 disclose the use of the manufacturer's product data at the retail store. Us RE 38,147E disclose the use of a computer to assign a secret number and to container and a transmitting means (data connection between host computer 52 and controller 50) which transmits the code data between the host computer 52 and the remote controller 50. It would be obvious to combine RE 38,147E with JUPAPub 2000-99567, JUPA Pub H11-201617, JUPA Pub H6-259442, the

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motivation being to securely ship product with out theft from a remote retailer which allows users to remotely order and pay and to securely receive a product in security.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. in view of RE38,147E.

Walker et al. disclose an unmanned retail shop system comprising: a user side information terminal (210) provided in the user a retail shop side information terminal provided in the retail shop side; and a settlement agency side information terminal (310) provided in the settlement agency site; said user side information terminal, said retail shop side information terminal and said settlement agency site information terminal being connected with each other through a network (100); said user side information terminal including: selected goods information transmitting means for selecting goods to be purchase and transmitting information of the purchased goods to said retail shop side information terminal (240) and settlement account information transmitting means for transmitting information of settlement account for paying money charged for the purchase; goods to said retail shop side information terminal (internet see col. 15 line 64); said retail shop side information terminal including: container for goods (intrinsic to any retailer is the use of boxes for shipping) receiving means for receiving said information of the purchased goods (440) and said information of settlement account both transmitted from said user site information terminal (440); transmitting means for transmitting information of request of drawing said money charged for the purchased goods and information of request of transferring said money

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charged for the purchased goods into the retail shop ' s account (340), said transmitting means transmitting both of said information to said settlement agency side information terminal; said settlement agency side information terminal including: receiving means for receiving both of said information of request of drawing said money charged for the purchase; goods (340). However, Walker et al. fail to disclose a making means for making a secret number for opening a key of said; container in which the purchase; goods are contained; and transmitting means for transmitting said secret number both to said user side information terminal an; to said retail shop side information terminal.

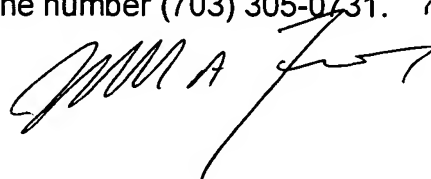
However, RE38,147E does disclose the use of a computer to assign a secret number and to container and a transmitting means (data connection between host computer 52 and controller 50) which transmits the code data between the host computer 52 and the remote controller 50. It would be obvious to combine RE 38,147E with the system 20 of Walker et al. so as to send a combination to a user matching that of a lock on the container at the retailer. The motivation is to provide secure shipment against theft.

RE claim 2: see Walker et al. col. 8 lines 31-50.

Re claims 3, 4: see management system 325.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to PRIMARY EXAMINER Joseph A. Fischetti at telephone number (703) 305-0731.

A handwritten signature in black ink, appearing to read 'J A Fischetti', is written over the printed name of the examiner.